

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

v.

SUKHBIR SINGH PHULL, dba Shop N
Save Market; JAGJEET SINGH, dba Shop
N Save Market; JOSEPH SANDOVAL,
Trustee of the SANDOVAL FAMILY
TRUST, under instrument dated January
16, 2018; SALLY SANDOVAL, Trustee
of the SANDOVAL FAMILY TRUST,
under instrument dated January 16, 2018,

Defendants.

Case No. 1:22-cv-00167-JLT-HBK

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DECLINE
SUPPLEMENTAL JURISDICTION OVER
PLAINTIFF'S UNRUH ACT AND HEALTH
AND SAFETY CODE CLAIMS**

(Doc. 19)

Plaintiff Darren Gilbert seeks to hold Defendants liable for violations of Title III of the American, the California Unruh Act, and California Health and Safety Code §§ 19955, 19959. (Doc. 1.) Following an order to show cause regarding jurisdiction, the assigned magistrate judge issued Findings and Recommendations, recommending the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss the claims without prejudice pursuant to 28 U.S.C. § 1367(c)(4). (Doc. 19.)

The Findings and Recommendations were served on Plaintiff¹ on August 25, 2023.

¹ Defendants have not appeared in this action and default was entered by the Clerk of Court. (Doc. 7.)

Plaintiff was informed any objection must be filed within 14 days of the date of service. (*Id.* at 7-8.) In addition, Plaintiff was informed the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) No objections were filed and the time to do so has expired.

According to 28 U.S.C. § 636(b)(1)(c), this Court conducted a de novo review of the case. Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on August 15, 2023 (Doc. 19) are **ADOPTED** in full.
2. The Court declines to exercise supplemental jurisdiction over Plaintiff’s claims arising under California’s Unruh Act and Health & Safety Code.
3. Plaintiff’s claims for violations of the Unruh Act and Cal. Health & Safety Code § 19955 and § 19959 are **DISMISSED** without prejudice.
4. This matter is referred to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **September 15, 2023**


UNITED STATES DISTRICT JUDGE